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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/823,630	04/14/2004	Michel Armand	213411.00032	4612

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PATENT ADMINISTRATOR
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EXAMINER

CHOI, LING SIU

ART UNIT	PAPER NUMBER
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1713

MAIL DATE	DELIVERY MODE
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07/27/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/823,630	Applicant(s) ARMAND ET AL.	
	Examiner Ling-Siu Choi	Art Unit 1713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05/14/2007 and 05/09/2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-16 is/are pending in the application.
- 4a) Of the above claim(s) 5-16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 09/361,962.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is in response to the Supplemental Amendment filed 05/14/2007, Terminal Disclaimer filed 05/09/2007, and the Amendment filed 05/09/2007. Claim 1 was canceled and claims 2-16 are now pending, wherein claims 5-16 have been withdrawn from the consideration.

2. In view of the Terminal Disclaimer, obviousness-type double patenting was withdrawn. In view of the Amendment, claim rejections under 35 U.S.C. 102(b) as being anticipated by **Kotek et al.** [Journal of Polymer Science: Polymer Chemistry Edition, **21**, 2837-2841 (1983)], **Tsutsumi et al.** [Journal of Power Sources, **68**, 735-738 (1997)], **Pletcher et al.** [Journal of Polymer Science: Polymer Chemistry Edition, **18**, 643-660 (1980)], and **Tsutsumi et al.** [Journal of Colloid and Interface Science, **185**, 432-435 (1997)] are withdrawn. Claim rejections under 35 U.S.C. 102(b) as being anticipated by Shionogi & Co. Ltd. (GB 1,115,335), Speck (US 5,637,452), and Fleischer (US 5,512,381) are maintained.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 2-4 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for the specific redox compounds, does not reasonably provide enablement for compounds having Formula (XVIII), (XIX), (XX), (XXI), and (XXII). The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to utilize the invention commensurate in scope with these claims. The recitation of compounds having Formula (XVIII), (XIX), (XX), (XXI), and (XXII) are not supported in the Specification.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 2-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Shionogi & Co. Ltd. (GB 1,115,335).

Shionogi & Co. Ltd. discloses **potassium rhodizionate**, which is used in an antidiabetic agent (col. 1, lines 15-26). It is noted that dipotassium rhodizionate reads on the claimed compound. It is noted that Shionogi & Co. Ltd. is silent on the redox properties of these polymers. In view of the compound being identical to the claimed

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compound, the compound will inherit such redox properties. Thus, the present claims are anticipated by the disclosure of Shionogi & Co. Ltd.

7. Claim 2 is rejected under 35 U.S.C. 102(b) as being anticipated by Speck (US 5,637,452).

Speck discloses an aqueous reagent comprising **elagic acid** and a metal ion such as Ni^{2+} , Co^{2+} , Fe^{3+} , Cu^{+} , or Cu^{2+} , which reads on the metal salt of elagic acid (abstract). It is noted that Speck is silent on the redox properties of this compound. In view of this compound being identical to the claimed compound, this compound will inherit such redox properties. Thus, the present claims are anticipated by the disclosure of Speck.

8. Claim 4 is rejected under 35 U.S.C. 102(b) as being anticipated by Fleischer (US 5,512,381).

Fleischer discloses a battery comprising an anode, a cathode, and a solid state electrolyte between the anode and the cathode, wherein the anode is composed of a material containing a proton-donating aromatic compound, the proton-donating aromatic compound being **rhodizonic acid** (claim 12). However, Fleischer is silent on the specific voltage required for redox couple. It is noted that the voltage for redox couple is an inherent properties of the compound at the conditions. Thus, the present claim is anticipated by the disclosure of Fleischer.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ling-Siu Choi whose telephone number is 571-272-1098.

If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu, can be reached on 571-272-1114.


LING-SUI CHOI
PRIMARY EXAMINER

July 20, 2007